

Notice of Allowability

Application No.

10/666,356

Examiner

Matthew A. Thexton

Applicant(s)

CARTWRIGHT, STANLEY JAMES

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications of 2006 9/11, 10/3, & 10/11.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 2006 October 11, Gary P. Katz requested an extension of time for ONE MONTH(S) and authorized the Director to charge Deposit Account No. 05-1330 the required fee of \$120 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary P. Katz, 908-730-2114, on 2006 October 11.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, immediately after "(d)" was added - - based on the volume of the composition - -.

Art Unit: 1714

The following new claims have been added:

11. (New) The composition of claim 1 further comprising a phenolic antioxidant in an amount based on the volume of the composition from about 0.5 vol% to about 1.9 vol%.

12. (New) The composition of claim 1 further comprising a mixture of phenolic antioxidants and the ashless dihydrocarbylthiocarbamoyl, wherein the mixture is from about 0.5 vol% to 3.0 vol% based on the volume of the composition.

13. (New) The method of claim 6 further comprising a phenolic antioxidant in an amount based on the volume of the composition from about 0.5 vol% to about 1.9 vol%.

14. (New) The method of claim 6 further comprising a mixture of phenolic antioxidants and the ashless dihydrocarbylthiocarbamoyl, wherein the mixture is from about 0.5 vol% to 3.0 vol% based on the volume of the composition.

Examiner's Statement of Reasons for Allowance

The following is an examiner's statement of reasons for allowance: '430 employs a phenolic antioxidant and does not disclose or suggest ashless dihydrocarbylthiocarbamate, as now required for component (d) of claim 1 and component (c) of claim 6. '598 suggests both zinc dioctyldithiocarbamate (column 23, lines 19-20) and dihydrocarbylthiocarbamate (claims 9 and 10), however, as noted by Mr. Katz in the above noted telephone interview, Applicant's examples 1 and 4 rebut any prima facie obviousness.

Art Unit: 1714

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Art

Gatto, (US 7112558B2) discloses lubricant additives similar to the present claims, differing in requiring molybdenum source, e. g., dialkyldithiocarbamate, whereas Applicant's claims require zinc dialkyldithiocarbamate.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew A. Thexton whose telephone number is 571-272-1125. The examiner can normally be reached on Tuesday-Friday, 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasudevan S. Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. A. Thexton

Matthew A. Thexton
Primary Examiner
Art Unit 1714